

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
WHEELING DIVISION

U.S. DISTRICT COURT  
FILED AT WHEELING, WV  
JAN 25 2008  
NORTHERN DISTRICT OF WV  
OFFICE OF THE CLERK

CRYSTAL FAST, as Personal Representative  
for the Estate of MARGUERITE A. FINDO,  
Deceased,

Plaintiff,

v.

BAYER CORPORATION, BAYER  
PHARMACEUTICALS CORPORATION  
and BAYER AG,

Defendants.

Civil Action No. 5:07-CV-82

**AMENDMENT TO CASE MANAGEMENT AND SCHEDULING ORDER**

*trsp*  
This 25<sup>th</sup> day of January, 2008, upon consideration of the parties' joint motion, the

Court hereby amends the Case Management and Scheduling Order entered on September 18, 2007 ("CMO") as follows:

- I. Defendant Bayer Pharmaceuticals Corporation ("BPC") shall complete the production of the documents described in CMO section 4 by February 14, 2008.
- II. Plaintiff may not notice the deposition of present or former employees of BPC or, if appropriate, of other U.S. Bayer entities until after (i) February 14, 2008 and (ii) production of the individual's hard-copy (paper) documents and ESI pursuant to the procedures described in CMO section 20. BPC shall provide a formal written notice (email acceptable) advising plaintiff when the items specified in CMO section 20(b)(i) of a current or former employee have been produced. In the event that plaintiff deposes present or former employees of BPC other U.S. Bayer entities prior to the completion of defendants' document production (such production

being defined in CMO Section 20(b), (c) and (e), the individual may not be re-deposed on the grounds of discovery of relevant information contained in later-produced documents.

III. All fact discovery, including depositions of fact witnesses, shall be completed by January 31, 2009. All written discovery shall be submitted in sufficient time to afford to the responding party the period provided by the Federal Rules of Civil Procedure within which to serve its response prior to the fact discovery deadline of January 31, 2009.

IV. Plaintiff shall identify and provide all information specified in Rule 26(a)(2)(A)-(B) with respect to her expert witnesses, if any, by February 27, 2009.

V. Depositions of plaintiff's expert witnesses shall be completed by April 30, 2009.

VI. Defendant shall identify and provide all information specified in Rule 26(a)(2)(A)-(B) with respect to their expert witnesses, if any, by June 1, 2009.


VII. Depositions of defendants' expert witnesses, and all expert witness discovery generally, shall be completed by July 31, 2009.

VIII. The parties shall make all Rule 26(a)(3) disclosures on or before September 21, 2009.

IX. The parties shall comply with the requirements set forth in CMO section 14, including the filing of proposed exhibit lists and exchange of exhibits, on or before September 21, 2009. Objections to exhibits shall be filed on or before October 19, 2009.

X. None of the defendants shall be required to produce documents or information relating to: (i) the chemical structure or composition of, (ii) the manufacturing, production or quality control processes for, (iii) the results of pre-clinical and/or clinical tests and studies of, (iv) financial information regarding developmental expenditures, budgets, and other projections of future developmental expenses, or (v) information specifying preclinical and/or clinical

developmental plans regarding compounds developed by Bayer, other than Trasylol (aprotinin), that may reduce blood loss and the need for blood transfusions. To the extent documents containing information relating to other compounds also include information relating to Trasylol, such Trasylol-related information will be provided to plaintiff to the extent it is non-privileged and discoverable under the Federal Rules of Civil Procedure.

1-25-08  


Hon. Frederick P. Stamp, Jr.  
United States District Judge